

BATH & NORTH EAST SOMERSET CORE STRATEGY EXAMINATION**COUNCIL RESPONSE TO INSPECTOR'S NOTE ID/45 (PARAGRAPH 3.6)****1.0 INTRODUCTION**

1.1 This note sets out the Council response to the four items of information requested by the Inspector in paragraph 3.6 of his note ID/45.

2.0 WINDSOR ROAD GAS HOLDER***Inspector's request:***

A factual update on the progress relating to the removal of the Windsor Road Gas holder and decontamination of the surrounding utilities site.

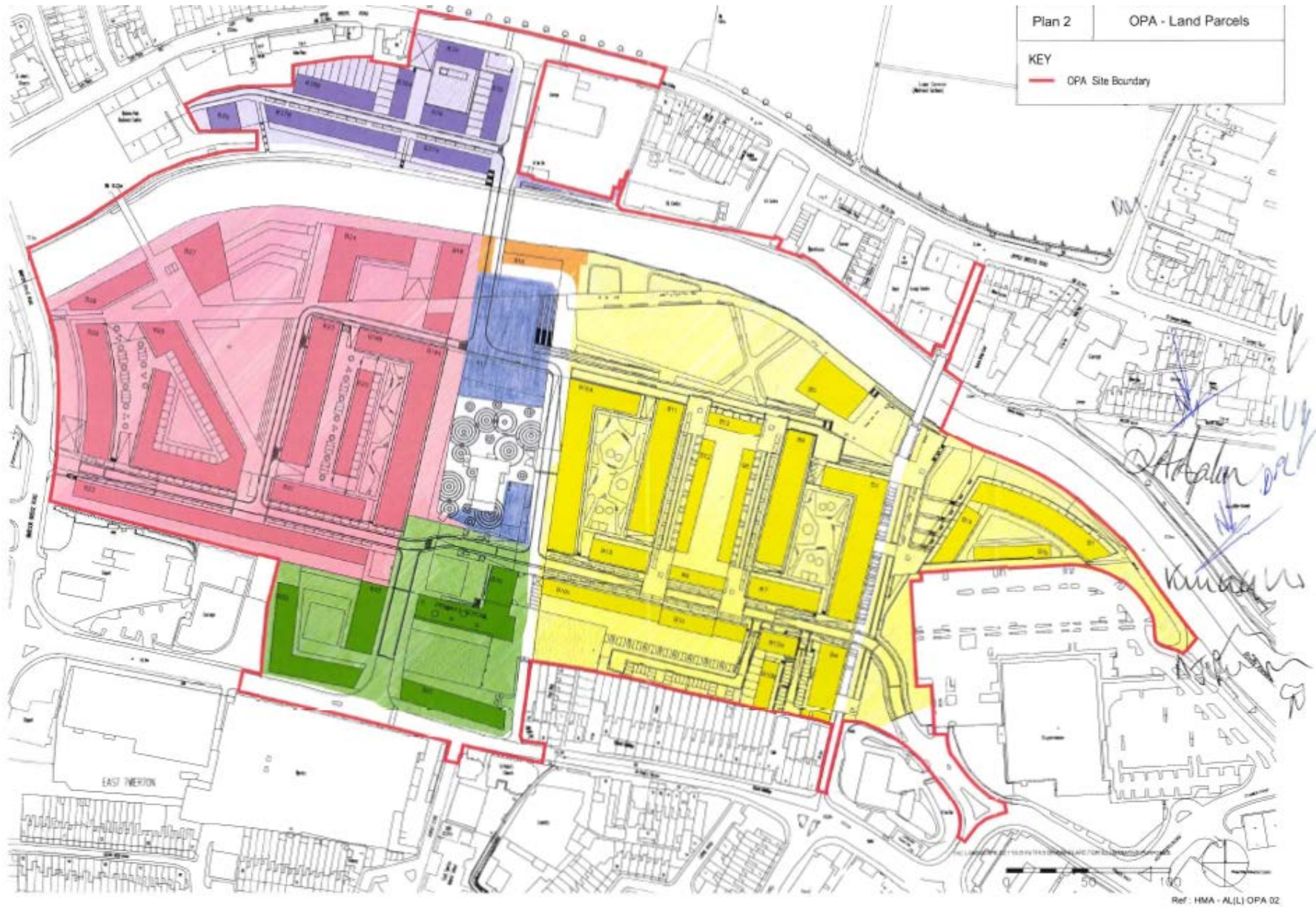
- 2.1 Set out below (from para 2.17) is a response to the Inspector's request. In order to be helpful this information is set within the context of the progress that has been made on delivery of development at Western Riverside and the implications for the future delivery programme of the resolution of remaining barriers to development. All of this has been prepared with the input of Neil Dawtrey (Production Director, Crest Nicholson).
- 2.2 The largest single site within Western Riverside is being developed by Crest Nicholson and outline planning permission was granted here in December 2010 for up to 2,281 flats and townhouses (06/01733/EOUT).
- 2.3 At the same time reserved matters were also approved for the first phase of development, comprising 299 homes within buildings B3a, B4, B7, B8, B10, B10a and B10b . These buildings have been completed.
- 2.4 In April 2013 reserved matters were approved for 26 houses and apartments within buildings B1 and B2 (12/05590/RES). This area forms the eastern limit of the Crest outline application area as it adjoins the car park of Homebase (which is part of Western Riverside East – see 2.22). Construction of is in progress with the first completion set for Autumn 2014.
- 2.5 In April 2013, reserved matters were approved for building B17 (12/05387/ERES). This is an affordable housing block of 55 apartments. This is substantially under construction and will be completed in October 2014.
- 2.6 In September 2013, Crest submitted pre-application details for buildings B5 and B16 for 98 apartments (13/00018/PADEV). These, together with building B27 (part of a later phase) occupy the most prominent riverside locations within the masterplan. A planning application is expected soon in response to the pre-application advice given by the Council.
- 2.7 In December 2013 reserved matters were granted for buildings B11, B13, B15a and B15b (13/03929/ERES). The capacity of these blocks is 259 (238 market & 21 affordable).
- 2.8 In February 2014, Crest submitted reserved matters were granted for blocks B6 and B12 for 38 townhouses (13/04574/ERES). Construction will commence in May 2014.

- 2.9 The Council also expects a planning application to be submitted soon for block B10c which will yield 11 townhouses.
- 2.10 Crest expect to deliver the capacity identified in paragraphs 2.8-2.14 (786 dwellings) by October 2018. This capacity relates to the land that currently in the control of Crest within the parameters of 06/01733/EOUT. This is not the limit of their development programme for the next 5 years as set out in 2.17.
- 2.11 Building B17 and most of the remainder of the other buildings within Crest's secured land area previously fell within an HSE exclusion zone in respect of the Windsor Bridge Gas Holders. The occupation of these could not take place until the gasholders were decommissioned and the Wakes and West surrendered their gas storage licence to BANES Council. This took place in the Autumn of 2013. Further development phases (on National Grid owned land) require the actual removal of the gasholders and associated land remediation.
- 2.12 The cost and time required to decommission and remove the gasholders and to remediate the land has been a significant barrier to the delivery of the secured & unsecured land and has also affected other sites within BWR and Twerton Riverside, such as the Bath Press. Crest, working in partnership with BANES are utilising £4.1m of funding from The West of England LEPs Revolving Infrastructure Fund (RIF) to address this matter, with Wales & West Utilities, the owner of the facility undertaking the works.
- 2.13 The position in respect of the RIF was presented to Cabinet on April 10th 2013 (item 188). The report to Cabinet demonstrated that a timely resolution in respect of enabling the development of the unsecured land could be achieved and this remains the case. Now that the facility has been decommissioned, demolition, decontamination and the removal of associated infrastructure is expected to be completed to a sufficient extent in early 2016, which can then allow further development to come forward in phases.
- 2.14 An additional barrier to delivery would have been reached upon the completion of the 650th home in respect of the need to provide a new 'Destructor' bridge for two-way traffic and pedestrians across the Avon. This too is being addressed, in part, with RIF funding. A Corporate agreement between Crest and BANES contracts the Council to contribute £1.7m towards the Bridge. This will be drawn down from the RIF in tranches between 2013/14 and 2015/16 to fund construction. The S106 Agreement provides a contractual commitment on Crest to repay the cost of the bridge on completion of the 650th unit. Full repayment is expected in 2017/18. A planning application (13/01649/ERES) was permitted in July 2013 for the demolition of existing Destructor Bridge and the construction of the replacement bridge.
- 2.15 The housing delivery trajectory for the secured land from 2014-2019 (790 units) reflects the programme to decommission of the gasholder facility, the works on the Destructor bridge and the construction and sales intent of Crest. Beyond this point there is a little more uncertainty as further land needs to be acquired. However, provisions exist with a Corporate Agreement between the Council and Crest for the use of CPO powers if necessary.
- 2.16 However, Crest, as part of the decommissioning contract with Wales & West Utilities has secured an option to purchase its land. Further, negotiations between the National Grid and Crest are progressing and a delivery strategy for the remaining consented land has been

agreed in principle with BANES Council. Of particular note is that the development of the 'red' land (gasholders and environs – see attached plan) is conditional, in part, on the delivery of a new primary school on the 'green land' (currently occupied by car show rooms on the Lower Bristol Road). The 'green land' has yet to be secured but negotiations are underway. Planning condition 44, accompanying the outline application requires that not more than 1250 units be occupied until a single form entry primary school is provided on the green land. Using delivery as a proxy for occupation (an acknowledging that there is a time lag between delivery and sales) the 1250th occupation is programmed for the end of 2020/21. This means that from 2014 Crest have six years to secure the green land and deliver the school. Condition 44 also stipulates that not more than 1,150 units be occupied until the LPA has approved a scheme for the provision of the school (i.e. the end of 2019/20).

- 2.17 Progression into the wider consented land is likely to take place earlier than originally programmed with strong demand on Phase 1 (Crest's own 'yellow' land) driving this part of the project to complete early. Subject to the successful conclusion of negotiations between Crest and National Grid, residential construction can commence Securing and progressing Phase 2 (green, pink and is likely to commence to enable continuity of housing delivery as per the SHLAA housing trajectory (March 2014) which is the same as Crests current development programme. In short, Crest is committed to the entire site and the longer term delivery trajectory to 2029 is an achievable and reasonable assumption.
- 2.18 Part of the outline consented land relates to the Council's waste facility on the Upper Bristol Road (the 'purple' land). The relocation of this is progressing as the Council has identified preferred replacement locations. Relocation still requires planning approval, but the Plan period still has 15 years to run and it is highly likely that this matter will be addressed in time to enable the delivery of this area.

Map 1: Western Riverside coloured land zones referred to in paragraphs 2.16 to 2.17



3.0 BATH FLOOD RISK MANAGEMENT PROJECT

Inspector's request:

A factual update on the latest timetable/security of funding/progress on detailed design and implementation relating to the central Bath flood risk management project.

Progress on detailed design and implementation

- 3.1 Bath Flood Risk Management Project - Technical Note Feb 2013 (CD9/FR2) sets out the outcomes of the Hydraulic Modelling and recommends the provision of compensatory flow conveyance as the means of mitigating flood risk within the Enterprise Area. This work improved the Council's understanding of the impact of new development and flood defence measures including raising development sites and identifying where off site mitigations are required. This work also enabled the Council to apply a strategic approach to group and prioritise the key development sites in line with the timing of site delivery. The Core Strategy was amended in March 2013 to confirm that delivery of the spatial strategy in central Bath relies on the conveyancing approach rather than upstream flood compensation.

Phase 1 of the project:

- 3.2 The Council has set up a multi-disciplinary project team (the Bath Quays Waterside Project) in partnership with the Environment Agency to put in place essential flood mitigation and flood defence works to the north and south banks of the river between Churchill Bridge and Midland Bridge. This provides the flood mitigation to enable the redevelopment of the Bath Quays and Manvers Street sites and address existing flood risk along the Lower Bristol Road. Landowners and affected parties adjoining the scheme were consulted and a number of stakeholder events were held. The engagement events were attended by statutory originations, community groups and local resident groups.

Timetable

- 3.3 A pre-application enquiry was made to the Council's Planning Service in respect of these works in August 2013. The Project Team is revising the detailed design responding to the advice given through the pre-application process. A planning application is scheduled to be submitted in May 2014. Subject to approval, it is expected that works will begin in September 2014.

Security of funding

- 3.4 The project will be delivered via the West of England LEP Revolving Infrastructure Fund and a contribution from the Environment Agency on the basis of the flood risk reduction to existing properties and infrastructure. The inclusion in the Capital Programme was provisionally approved by the Council in February 2013. This is further discussed and confirmed in detail at the Cabinet meeting on 10th April 2013. The Cabinet report is available from <http://democracy.bathnes.gov.uk/documents/s25101/E2538%20Revolving%20Infrastructure%20Funding.pdf>
- 3.5 The overview of the project and the presentation from the stakeholder event can be accessed from the website below. <http://www.bathnes.gov.uk/services/planning-and-building-control/major-projects/bath-quays-waterside-reconnecting-bath-its>

Phase 2 of the project:

- 3.6 Black & Veatch (B&V) was commissioned to prepare further testing for Phase 2 development sites. The outcomes are presented in the Bath Flood Risk Management Project - Technical Note Addendum (CD10/E14). This additional testing was undertaken to respond to the consultation comments received from Crest Nicholson.

The Bath Flood Risk Management Project - Technical Note (CD9/FR2) assumed that some conveyance mitigation could be provided in future on the western part of Bath Western Riverside. However as this site now has planning permission without conveyance mitigation, it might be difficult to rely it now. Therefore this report looks at options to provide this conveyance mitigation without the need for works on Bath Western Riverside. It concludes that the impact of the Combined Site Raising Model on peak water levels in the channel is negligible and can be dealt with within the remaining allocated sites such that strategic mitigation and conveyance may not be necessary. However, the inclusion of a walkway created by channel reprofiling at some sites shows improvements to the existing baseline.

- 3.7 The Bath Enterprise Area Masterplan, incorporating the Bath Flood Risk Management Project, is in preparation. The Masterplan will be reported to the Council in May/June 2014. It will establish a spatial framework and delivery strategy for the key sites contained within the City's Enterprise Area. The outputs are scheduled for draft completion by the end of April 2014, and following this there will be a period of public consultation and engagement. The document will then be revised and endorsed by the Council in order to guide the delivery of development throughout the Enterprise Area. It will be used to inform the production of the Council's Placemaking Plan, which is due to commence Preferred Options consultation towards the end of 2014.
- 3.8 The Council has also started to prepare the River Strategy. The council formed a catchment wide partnership 'Bristol Avon Catchment Group', which has produced a draft Catchment Management Plan. This is partly funded by the EA. The group includes: Wiltshire & Swindon Local Nature Partnership, West of England Nature Partnership, Bristol Avon Rivers Trust, EA, NE, WoE UAs, Wiltshire Council and the local Wildlife Trusts. Within B&NES following a motion by the councils river Champion to full council a 'Strategic River Group' is in the process of being set up which will be formed of Senior managers from Wessex Water, EA, CRT, B&NES and the TRRT.
- 3.9 Therefore the flood mitigation measures including site specific conveyancing for the phase 2 sites will be considered comprehensively in the wider context through the Masterplanning and the River Strategy process.

4.0 POLICY WORDING CHANGES

Inspector's request:

The precise policy wording (and changes to the Concept Diagrams) where the Council has accepted in Statements of Common Ground that revised wording for the allocation policy is necessary or desirable (e.g. arising from SCG with English Heritage).

- 4.1 The policy wording changes arising from SCG are set out below – these are shown as changes to the policy wording in the Core Strategy Amendments November 2013, deletions are shown as a strike-through and additional text is underlined.
- 4.2 Arising from the SCG with English Heritage (BNES/53A) the Council has agreed the following wording changes in respect of the Odd Down, Weston and Whitchurch allocation policies and changes to the associated Concept Diagrams:

CSA22, Policy B3A: Land adjoining Odd Down, Bath Strategic Site Allocation – Placemaking Principles

Principle 6. The significance of heritage assets affected will be conserved. As part of the Masterplan the following should be addressed:

- ~~• Development causing substantial harm to designated heritage assets, or non-designated heritage assets of demonstrably equivalent significance, and/or their settings should be avoided. In addition, all opportunities should be taken to avoid or minimise other harm. As part of the Masterplan, the following should be addressed:~~

World Heritage Site

- The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views. An acceptable southerly extent of development and appropriate building heights will need to be established as part of the Masterplan.
- The Easterly extent of development and appropriate Eastern boundary treatment should be established as part of the Masterplan.
- Control light pollution to protect the visual screening of the site from views to the south.

Wansdyke Scheduled ~~Ancient~~ Monument

- Avoid ~~built~~ development in areas that would fail to conserve the significance of ~~cause substantial harm to~~ the Wansdyke. An acceptable northerly extent of development and development heights will need to be established as part of the Masterplan. To mitigate impacts tree planting should be retained as indicated on the *Concept Diagram*.

CSA25, Policy B3B: Land adjoining Weston, Bath Strategic Site Allocation – Placemaking Principles

Principle 7. Development should ensure the conservation of the significance of affected heritage assets. As part of the Masterplan the following should be addressed:

- ~~• Development causing substantial harm to designated heritage assets, or non-designated heritage assets of demonstrably equivalent significance, and/or their settings should be avoided. In addition, all opportunities should be taken to avoid or minimise other harm. As part of the Masterplan, the following should be addressed:~~

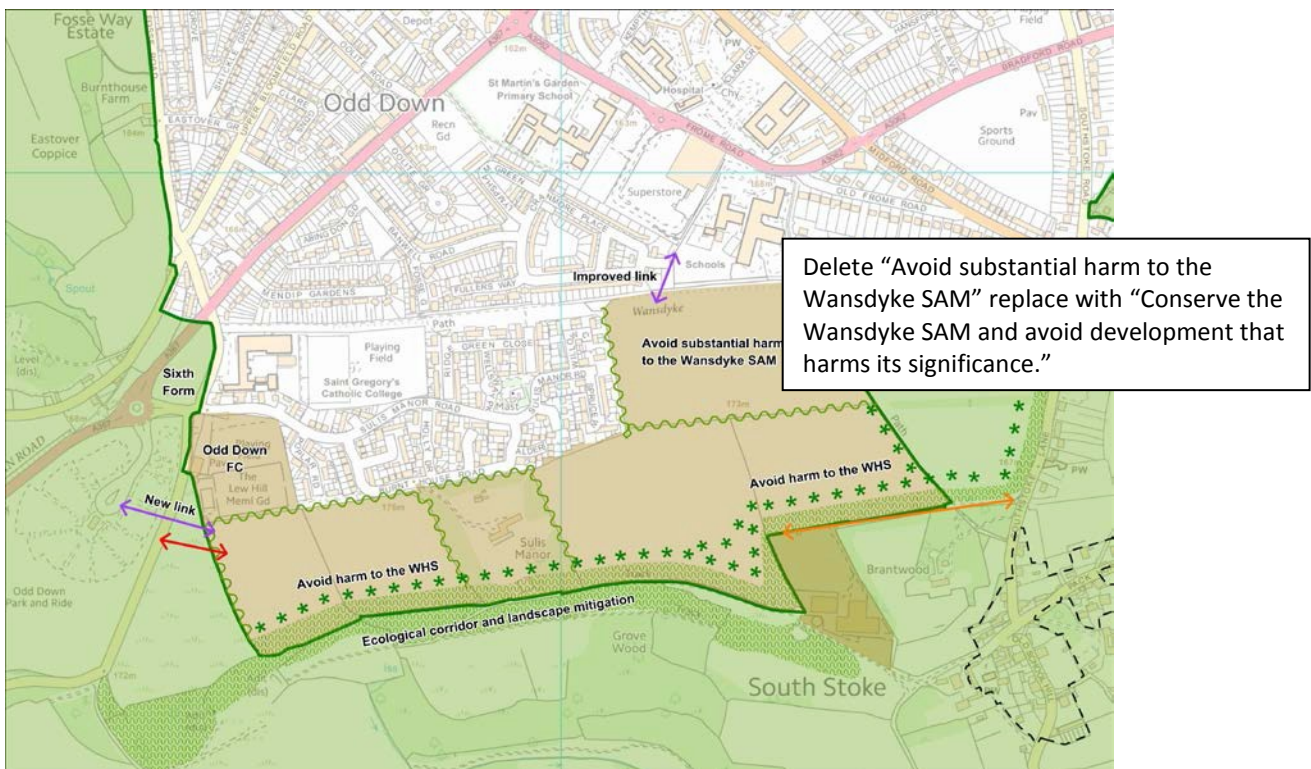
CSA45, Policy RA5: Land at Whitchurch Strategic Site Allocation – Placemaking Principles

Principle 6. ~~Development causing substantial harm to designated heritage assets, or non-designated heritage assets of demonstrably equivalent significance, and/or their settings should be avoided. In addition, all opportunities should be taken to avoid or minimise other harm.~~ Development should ensure the conservation of the significance of affected heritage assets. As part of the Masterplan, the following should be addressed:

- Limit the height and density of development to avoid and minimise harm to Queen Charlton Conservation Area
- Limit development height and density in more prominent areas, such as higher ground and development edges, in order to avoid the development breaking the skyline in wider views from the east
- Detailed archaeological assessment should inform the Masterplan

4.3 Associated with the above policy wording changes the Council has also agreed with English Heritage that changes need to be made to the wording shown on the Concept Diagrams for land adjoining Odd Down (CSA23) and land adjoining Weston (CSA26 and 27). These changes are shown below.

CSA23: Land adjoining Odd Down



CSA26: Land adjoining Weston(Lansdown Lane)



CSA27: Land adjoining Weston (Eastfield Avenue)



4.3 Arising from the SCG with the Hignett Family Trust (BNES/53C) and discussed with Natural England the Council has agreed the following wording changes in respect of the Odd Down allocation policy.

**CSA22, Policy B3A: Land adjoining Odd Down, Bath Strategic Site Allocation
– Placemaking Principles**

Ecological Requirements

- Protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more ~~more~~ than 1 lux (equivalent to a moonlit night)
- Retention and cultivation of planting features and off-site habitat including the retention of hedgerows and tree belts, as indicated on the *Concept Diagram*
- Safeguard skylark interest, through adequate mitigation or off-site compensation
- New woodland planting along the southern boundary of the plateau, particularly to the east of Sulis Manor (i) within the site and (ii) off-site within the plateau in order to strengthen bat foraging and flight links with Horsecombe Vale
- A recreational strategy to minimise harm to adjacent grazing regimes and habitats

Particular attention is to be given to ensure satisfactory ~~compensation, mitigation and or compensation as appropriate of protected species and their habitat (including Priority Species), and protection of European protected bat species and their habitat, and the protection of Priority Species.~~

- 4.4 Arising from the SCG with Withies Farm Landowners' Group/Glenavon Farm Landowners' Group/Mactaggart & Mickel (BNES/53H) the Council accepts that the policy wording should be more flexible in relation to the types of employment uses that could be allowed (see also Q3.3 in ID/47c). The Council's suggested wording, which has not been agreed with the landowners/site promoters, is set out below:

**CSA33, Policy KE3A: Land adjoining East Keynsham Strategic Site Allocation –
Placemaking Principles**

2. Around 30,000sqm of employment floorspace within Use Classes B1 (b) & (c), B2 ~~and B8~~, and any employment use not falling within the NPPF definition of a main town centre use, north of the A4 as shown on the concept diagram.

5.0 FIELD LYNCHETS AT WESTON

Inspector's request:

The latest position with regard to further research on the possible field lynchets on land at Weston.

- 5.1 In responding to this request the Council outlines below the assessment process undertaken in respect of the possible field lynchets at Weston, including that undertaken since consultation on the Core Strategy Amendments (November 2013).

Heritage Asset Study, LUC, September 2013

- 5.2 In order to inform the Core Strategy housing allocations the Council commissioned a detailed heritage assessment of the impact of development at its six preferred locations (including land at Weston). The brief for this work was prepared by the Council and agreed with English Heritage before the study was commissioned. The Heritage Asset Study comprises a main report with a more detailed appendix for each location and together now form Core Strategy supporting documents CD9/LV/1.
- 5.3 The LUC study included an initial search of the B&NES Historic Landscape Characterisation (HLC) and Historic Environment Record (HER). The HLC data defines the site as within an area of late-medieval enclosed open fields. The HER contains evidence of medieval agricultural activity in the wider area in the form of ridge and furrow (see figure 1: MBN30145, MBN30147 and MBN30260) and strip lynchets (see figure 1: MBN1657, MBN3041 and MBN30236).
- 5.4 The RAF 1946 air photographic coverage of the land at Weston was also obtained from the National Monuments Record (RAF/106G/UK/579 Frame Nos. 6322 and 6323, RAF/106G/UK/632 Frame No. 6034, RAF/106G/UK/725 Frame No. 6045, RAF/CPE/UK/2095 Frame No. 5165 and RAF/CPE/UK/2253 Frame No. 5258). Evidence of possible strip lynchets, ridge and furrow and fossil field boundaries was identified covering several fields, particularly to the south and east of Upper Weston Farm, in the field immediately south-east of Blind Lane and in fields to the north of Primrose Hill Farm (see figure 1: Fields M, T, U, V, X).
- 5.5 Earthworks identified as possible strip lynchets were also noted during the LUC study site inspection near Upper Weston Farm, although a close inspection could not be made (see figure 1: Field N). However, without further fieldwork to confirm the existence, extent and preservation of such remains, the LUC study was unable to provide a definitive assessment their significance and the potential impact of development.

Amendments to Core Strategy, November 2013

- 5.6 Guide by the results of the LUC study the Council is now proposing housing allocations at Weston in Fields F, G, L and M (see figure 1). Of these allocations it is only development in Field M that possess any direct threat to the possible strip lynchets identified in the LUC study, or the setting of strip lynchets in the wider area (see figure 1: Field N and MBN3041).

Statement of Common Ground, English Heritage and B&NES, 14 February 2014

- 5.7 In response to the LUC study and correspondence with English Heritage the following text has been agreed in the SOCG with regard to the possible strip lynchets at Weston:

The Council, with English Heritage support, is now undertaking further assessment to identify whether “possible lynchets” identified in the LUC Heritage Assets study, are present on the Land Adjoining Weston, Eastfield Avenue (fields L and M in Appendix 2 -CD9/LV/1). An update on this issue will be provided at (or if possible in advance of) the Core Strategy examination hearings in April. Both parties are agreed that further clarification on the presence, age, significance etc. of any lynchets may have a bearing on this land parcel’s capacity for development.

Site Visit by English Heritage, B&NES and Bristol and Regional Archaeological Service (BaRAS), 28 February 2014

- 5.8 In response to the inspectors question and the SOCG a joint site visit was organised with representatives of English Heritage, B&NES and Bristol and Region Archaeological Services (BaRAS) who provided the archaeological content of the LUC study.

Visited: Field M with Fields L and N viewed from Field M.

Present: Hugh Beamish (English Heritage), Ian Greig (BaRAS), Cleo Newcombe-Jones, Andrew Sharland and Richard Sermon (B&NES Planning, Landscape and Archaeological Officers).

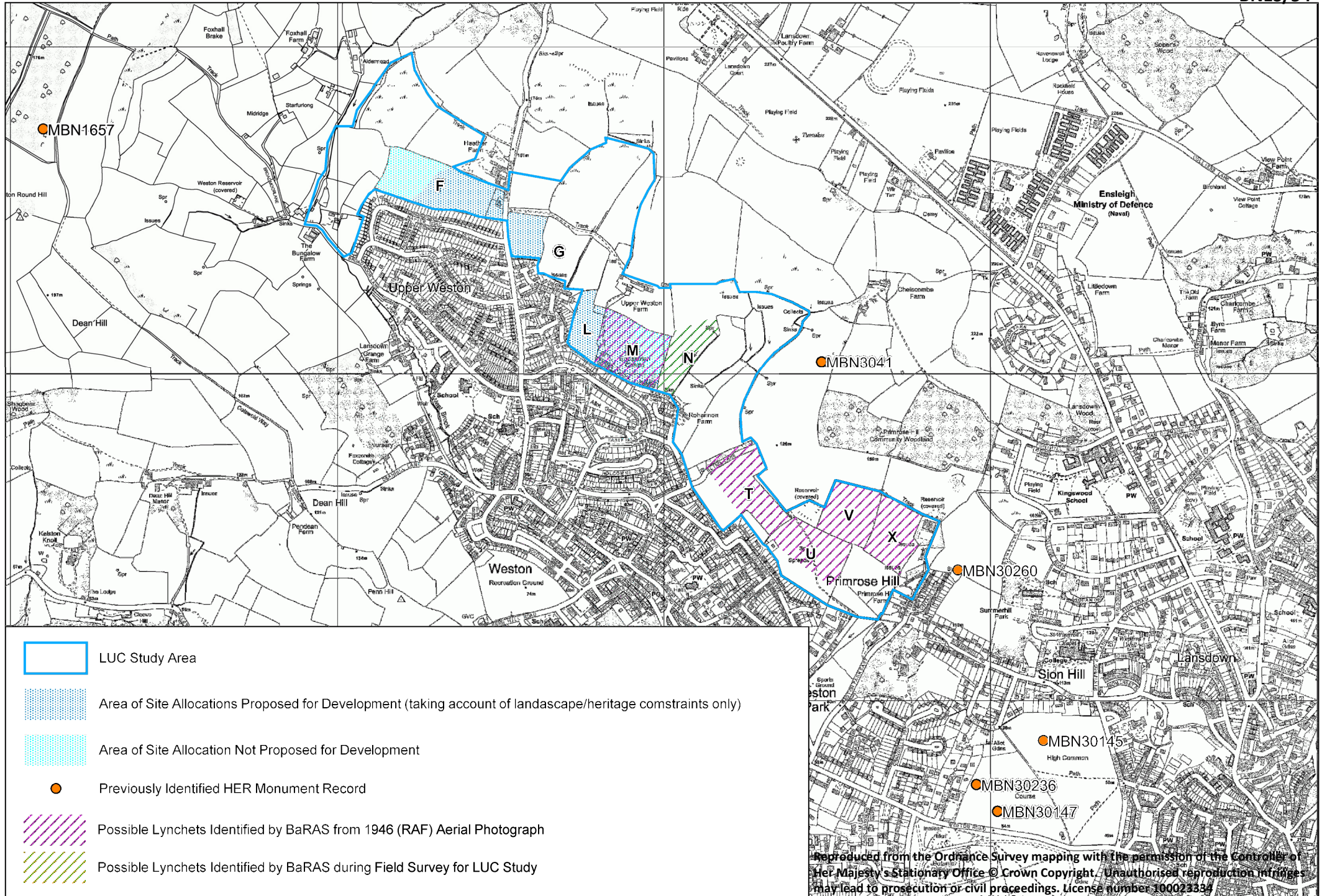
Conclusion 1: Direct impact on possible lynchets within Field M

- 5.9 Whatever features were visible on the 1946 air photographs it is clear from the site visit that they no longer exist on the ground as earthworks (see figure 2). A fuller examination of subsequent air photographs may provide more information on the land-use history of these fields and show when and how this occurred. However, the significance of ploughed out or otherwise flattened lynchets is much lower than well preserved ones, and for ridge and furrow only surviving as below ground remains the significance would be even lower.

Conclusion 2: Indirect impact on setting on lynchets in wider area

- 5.10 In order to mitigate the impact of development on the setting of the Bath World Heritage Site, the Amendments to the Core Strategy (November 2013) have recommended in policy B3B Placemaking Principle 7, that development of the Land Adjoining Weston (Eastfield Avenue) (which includes Field M) should be restricted to the western part of the site, so as not to be visible from or encroach onto the small valley feature to the east. This would have the added advantage of mitigating any visual impacts on the setting of possible strip lynchets in Field N and the known strip lynchets on the other side of the valley (MBN3041). These detailed considerations can be addressed via the Masterplanning and Development Management process.
- 5.11 As a consequence B&NES and English Heritage consider no further amendment is required to Policy B3B with regard to the site boundary, development capacity of placemaking principles.

Figure 1: Map showing the areas of possible and known strip lynchets together with the proposed site allocations.



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Figure 2: Photograph from centre line of Field M looking west towards Field L.